

May 11, 2022ANGELA E. NOBLE
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S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
22-20194-CR-MARTINEZ/BECERRA
CASE NO. _____

18 U.S.C. § 1349
18 U.S.C. § 1344
18 U.S.C. § 982(a)(2)(A)

UNITED STATES OF AMERICA

vs.

WILLIAN ALEXANDER POSADA SANDREA,

Defendant.

INFORMATION

The United States Attorney charges that:

GENERAL ALLEGATIONS

At all times material to this Information:

The Paycheck Protection Program

1. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, Pub. L. 116-136, 134 Stat. 281, was a federal law enacted in or around March 2020 and designed to provide emergency financial assistance to the millions of Americans suffering economic effects caused by the COVID-19 pandemic. One source of relief provided by the CARES Act was the authorization of forgivable loans to small businesses for job retention and certain other expenses through a program referred to as the Paycheck Protection Program (“PPP”).

2. In order to obtain a PPP loan, an applicant had to submit an application listing, among other information, the number of employees and average monthly payroll expenses for the

applicant's company. The applicant also had to certify that the funds would be used for payroll and other authorized expenses for the applicant's company.

3. A PPP loan application had to be processed by a participating lender. If a PPP loan application was approved, the participating lender funded the PPP loan using its own monies. While it was the participating lender that issued the PPP loan, the loan was fully guaranteed by the U.S. Small Business Administration ("SBA"). Data from the application, including information about the borrower, the total amount of the loan, and the listed number of employees, was transmitted by the lender to the SBA in the course of processing the loan.

4. PPP loan proceeds were required to be used by the business on certain permissible expenses—payroll costs, interest on mortgages, rent, and utilities. The PPP allowed the interest and principal on the PPP loan to be entirely forgiven if the business spent the loan proceeds on these expense items within a designated period of time and used a defined portion of the PPP loan proceeds on payroll expenses.

The Defendant and Relevant Entities

5. The defendant, **WILLIAN ALEXANDER POSADA SANDREA**, was a resident of Miami-Dade County, Florida.

6. The defendant, **WILLIAN ALEXANDER POSADA SANDREA**, served as President of Autenticos Auto Sales Corp ("Autenticos"), a Florida-based entity he controlled.

7. Co-Conspirator 1 was a conspirator of the defendant, **WILLIAN ALEXANDER POSADA SANDREA**.

8. Bank 1 was headquartered in New Jersey and insured by the Federal Deposit Insurance Corporation ("FDIC"). Bank 1 was a participating lender under the PPP.

COUNT 1
Conspiracy to Commit Bank Fraud
(18 U.S.C. § 1349)

1. Paragraphs 1 through 8 of the General Allegations section of this Information are realleged and incorporated by reference as if fully set forth herein.

2. From on or about April 14, 2020, through on or about April 13, 2021, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

WILLIAN ALEXANDER POSADA SANDREA,

did willfully, that is, with intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with Co-Conspirator 1 and others known to the United States Attorney, to commit an offense against the United States, that is, to knowingly execute, and cause the execution of, a scheme and artifice to defraud one or more financial institutions, including Bank 1, which scheme and artifice would employ a material falsehood, and knowingly, and with intent to defraud, execute, and cause the execution of, a scheme and artifice to obtain money and funds owned by, and under the custody and control of, one or more financial institutions, by means of false and fraudulent pretenses, representations, and promises, relating to a material fact, in violation of Title 18, United States Code, Section 1344(1) and (2).

PURPOSE OF THE CONSPIRACY

3. It was the purpose of the conspiracy for **WILLIAN ALEXANDER POSADA SANDREA**, Co-Conspirator 1, and their co-conspirators to unlawfully enrich themselves by submitting and causing the submission of false and fraudulent applications for PPP loans made available through the SBA to provide relief for the economic effects caused by the COVID-19 pandemic and share in the loan proceeds.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendant, **WILLIAN ALEXANDER POSADA SANDREA**, sought to accomplish the purpose and object of this conspiracy included, among other things, the following:

4. **WILLIAN ALEXANDER POSADA SANDREA**, Co-Conspirator 1, and their co-conspirators agreed to submit, and caused the submission of, online PPP loan applications at Bank 1 on behalf of entities that the defendant and his co-conspirators controlled, including Autenticos.

5. In these PPP loan applications, **WILLIAN ALEXANDER POSADA SANDREA** and his co-conspirators made false and fraudulent representations regarding each entity's number of employees and payroll, and submitted false and fraudulent purported tax records in support thereof.

6. As a result of the conspiracy's false and fraudulent loan applications, **WILLIAN ALEXANDER POSADA SANDREA** and his co-conspirators caused Bank 1 to fraudulently disburse PPP funds to accounts that **WILLIAN ALEXANDER POSADA SANDREA** and his co-conspirators controlled.

7. **WILLIAN ALEXANDER POSADA SANDREA** and his co-conspirators transferred and distributed the fraud proceeds.

FORFEITURE ALLEGATIONS

1. The allegations of this Information are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **WILLIAN ALEXANDER POSADA SANDREA**, has an

interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1349, a conspiracy to violate Title 18, United States Code, Section 1344, as alleged in this Information, the defendant shall forfeit to the United States any property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such offense, pursuant to Title 18, United States Code, Section 982(a)(2)(A).

3. The property subject to forfeiture as a result of the alleged offense includes, but is not limited to, a sum of approximately \$1,145,469.00, which represents the total amount of funds constituting or derived from the proceeds the defendant obtained directly or indirectly, as the result of the offense and may be sought as a forfeiture money judgment.

All pursuant to Title 18, United States Code, Sections 982(a)(2)(A), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18, United States Code, Section 982(b)(1).


JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY


ELI S. RUBIN
ASSISTANT UNITED STATES ATTORNEY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA

CASE NO.:

V.

WILLIAN ALEXANDER POSADA SANDREA,

CERTIFICATE OF TRIAL ATTORNEY*

Defendant.

Court Division (select one)

Miami Key West FTP
 FTL WPB

Superseding Case Information:

New Defendant(s) (Yes or No)

Number of New Defendants

Total number of New Counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
 2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
 3. Interpreter: (Yes or No) Yes
List language and/or dialect: Spanish
 4. This case will take 0 days for the parties to try.
 5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I <input checked="" type="checkbox"/> 0 to 5 days	<input type="checkbox"/> Petty
II <input type="checkbox"/> 6 to 10 days	<input type="checkbox"/> Minor
III <input type="checkbox"/> 11 to 20 days	<input type="checkbox"/> Misdemeanor
IV <input type="checkbox"/> 21 to 60 days	<input checked="" type="checkbox"/> Felony
V <input type="checkbox"/> 61 days and over	
 6. Has this case been previously filed in this District Court? (Yes or No) No
If yes, Judge Case No.
 7. Has a complaint been filed in this matter? (Yes or No) Yes
If yes, Magistrate Case No. 21-mj-4212-Goodman
 8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
If yes, Judge Case No.
 9. Defendant(s) in federal custody as of 12/13/2021
 10. Defendant(s) in state custody as of
 11. Rule 20 from the District of
 12. Is this a potential death penalty case? (Yes or No)
 13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) No
 14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) No

By:

Eli S. Rubin

Eli S. Rubin
Assistant United States Attorney
Court ID No. A5502535

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: WILLIAN ALEXANDER POSADA SANDREA

Case No: _____

Count #1:

Conspiracy to Commit Bank Fraud

Title 18, United States Code, Section 1349

*Max. Penalty: Thirty (30) years' imprisonment

Count #:

*Max. Penalty:

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.) Case No.
Willian Alexander Posada Sandrea,)
Defendant) **22-20194-CR-MARTINEZ/BECERRA**

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Joel DeFabio, Esq.
Printed name of defendant's attorney

Judge's signature

Judge's printed name and title